

TYPE OR PRINT  
IN BLACK INK  
(For instructions, see  
booklet: "How to File an  
Application to  
Appropriate Water in  
California")



*Working Copy*  
California Environmental Protection Agency

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PAL

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000, Sacramento, CA 95812-2000  
Tel: (916) 341-5300 Fax: (916) 341-5400  
www.waterboards.ca.gov/waterrights

APPLICATION NO. *32822*

## APPLICATION TO APPROPRIATE WATER

### 1. APPLICANT/AGENT

	APPLICANT	ASSIGNED AGENT (if any)
Name	Hal Hays	<del>Wendy Johnston</del> <i>David Drewe</i>
	Hays Ranches LLC	VESTRA Resources, Inc.
Mailing Address	4181 Latham Street	5300 Aviation Drive
City, State & Zip	Riverside, CA 92051	Redding, CA 96002
Telephone	909-226-6652	530-223-2585
Fax		530-223-1145
E-mail	hhays@halhays.com	<del>wjohnston@vestra.com</del> <i>ddrewe@vestra.com</i>

*DDS  
7/1/14  
Per  
Phone  
Conv.*

### 2. OWNERSHIP INFORMATION (Please check type of ownership.)

- ☐ Sole Owner      ☒ Limited Liability Company (LLC)      ☐ General Partnership\*  
☐ Limited Partnership\*      ☐ Business Trust      ☐ Husband/Wife Co-Ownership  
☐ Corporation      ☐ Joint Venture      ☐ Other \_\_\_\_\_

\*Please identify the names, addresses and phone numbers of all partners.

### 3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.) Add additional pages if needed and check box below and label as an attachment.

This existing pond was constructed in approximately 1998 (first year the pond appears on  
aerial imagery) for livestock-watering purposes. The property was not affiliated with the  
current owner at the time of construction. The pond has not been permitted, and the  
current owner wishes to comply with current regulations regarding water appropriation and  
reporting. The pond is currently used for livestock-watering, recreation (fishing, swimming,  
boating) and providing wildlife habitat, fire protection, and groundwater recharge. The owner  
has completed no construction or alteration activities to the existing pond and has no plans  
to do so in the future. The pond is located on an unnamed ephemeral tributary that  
discharges to Red Bank Creek, and hence to the Sacramento River.

☐ For continuation, see Attachment No. \_\_\_\_

*Rec'd  
CK# 2092  
\$1555.00  
CK# 2090  
\$850.00  
6-14-17 JH*

**4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON**

a. PURPOSE OF USE (irrigation, domestic, etc.)	DIRECT DIVERSION				STORAGE		
	AMOUNT		SEASON OF DIVERSION		AMOUNT	SEASON OF COLLECTION	
	Rate (cfs or gpd)*	Acre-feet per annum	Beginning date (month & day)	Ending date (month & day)	Acre-feet per annum	Beginning date (month & day)	Ending date (month & day)
Stock-watering						Nov 1	Apr 30
Recreation						Nov 1	Apr 30
Wildlife Habitat						Nov 1	Apr 30
<del>Groundwater Recharge</del>						Nov 1	Apr 30
Total afa			Total afa		47		

☐ See Attachment No. \_\_\_\_ \* If rate is less than 0.025 cubic feet per second (cfs), use gallons per day (gpd).

b. Total combined amount taken by direct diversion and storage during any one year will be 47 acre-feet.

c. Reservoir storage is: ☒ onstream ☐ offstream ☐ underground (If underground storage, attach Underground Storage Form.)

d. County in which diversion is located: Tehama County in which water will be used: Tehama

**5. SOURCES AND POINTS OF DIVERSION/REDIVERSION**

a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):

- ☒ POD / ☐ PORD # 1 Unnamed Stream tributary to Red Bank Creek thence Sacramento River
- ☐ POD / ☐ PORD # \_\_\_\_\_ tributary to \_\_\_\_\_ thence \_\_\_\_\_
- ☐ POD / ☐ PORD # \_\_\_\_\_ tributary to \_\_\_\_\_ thence \_\_\_\_\_
- ☐ POD / ☐ PORD # \_\_\_\_\_ tributary to \_\_\_\_\_ thence \_\_\_\_\_

If needed, attach additional pages, check box below and label attachment

☐ See Attachment No. \_\_\_\_

b. State Planar and Public Land Survey Coordinate Description:

POD/ PORD #	CALIFORNIA COORDINATES (NAD 83)	ZONE	POINT IS WITHIN (40-acre subdivision)	SECTION	TOWN- SHIP	RANGE	BASE AND MERIDIAN
1	1919233.895N 6447626.474E	1	NW 1/4 of NW 1/4	23	26N	5W	MDM
			1/4 of 1/4				
			1/4 of 1/4				
			1/4 of 1/4				

If needed, attach additional pages, check box below and label attachment

☐ See Attachment No. \_\_\_\_

c. Name of the post office most often used by those living near the proposed point(s) of diversion: Red Bluff - 447 Walnut Street, Red Bluff, CA 96080



**6. WATER AVAILABILITY**

- a. Have you attached a water availability analysis for this project? ☒ YES ☐ NO  
If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation: If needed, attach additional pages, check box below and label attachment.
- ☐ See Attachment No. \_\_\_\_\_
- b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board (State Water Board) during your proposed season of diversion?  
☐ YES ☒ NO
- c. In an average year, does the stream dry up at any point downstream of your project? ☒ YES ☐ NO  
If YES, during which months? ☐ Jan ☐ Feb ☐ Mar ☐ Apr ☒ May ☒ Jun ☒ Jul ☒ Aug ☒ Sep ☒ Oct  
☐ Nov ☐ Dec
- d. What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.) If needed, attach additional pages, check box below and label attachment  
Other stockponds (currently in the registration process) exist on the property, or groundwater.  
☐ See Attachment No. \_\_\_\_\_

**7. PLACE OF USE**

a.

USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Presently cultivated?
NE ¼ of NE ¼	22	26N	5W	MDM	4.7	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
NW ¼ of NW ¼	23	26N	5W	MDM	2.0	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
Total Acres:						

\*Please indicate if section is projected with a "(P)" following the section number.

- ☐ See Attachment No. \_\_\_\_\_ Please provide the Assessor's Parcel Number(s) for the place of use:  
APN 025-020-010

**8. PROJECT SCHEDULE**

Project is: ☐ proposed, ☐ partially complete or ☒ complete (Year completed - app. 1998).

Extent of completion: Diversion structure is an earthen dam which was constructed in approximately 1998.

Estimated amount of time in years it will take for construction to be completed: N/A

Estimated amount of time in years it will take for water to be put to full beneficial use: This pond was constructed approximately 20 years ago and water is currently being put to beneficial use.



Basis for determination of amount of water needed: \_\_\_\_\_

i. ☐ MINING: Name of the claim: \_\_\_\_\_ ☐ Patented ☐ Unpatented

Nature of the mine: \_\_\_\_\_ Mineral(s) to be mined: \_\_\_\_\_

Type of milling or processing: \_\_\_\_\_

After use, the water will be discharged into \_\_\_\_\_ (watercourse)

in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M.

j. ☐ POWER: Total head to be utilized: \_\_\_\_\_ feet

Maximum flow through the penstock: \_\_\_\_\_ cfs Maximum theoretical horsepower capable of being generated by the works (cfs x fall ÷ 8.8): \_\_\_\_\_

Electrical capacity (hp x 0.746 x efficiency): \_\_\_\_\_ kilowatts at: \_\_\_\_\_ % efficiency

After use, the water will be discharged into \_\_\_\_\_ (watercourse)

in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B&M. FERC No.: \_\_\_\_\_

k. ☒ FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: List specific species and habitat type that will be preserved or enhanced: The pond provides a reliable source of water to migratory and resident wildlife (e.g., passerines, waterfowl, deer, western pond turtle, red-legged frog)

l. ☒ OTHER: Describe use: Groundwater recharge; Fire protection (frog)

Basis for determination of amount of water needed: \_\_\_\_\_

## 10. DIVERSION AND DISTRIBUTION METHOD

a. Diversion will be by gravity by means of: earthen dam

(dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)

b. Diversion will be by pumping from: N/A

(sump, offset well, channel, reservoir, etc)

Pump discharge rate: \_\_\_\_\_ ☐ cfs or ☐ gpd Horsepower: \_\_\_\_\_

Pump Efficiency: \_\_\_\_\_

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (pipe or channel)	MATERIAL (type of pipe or channel lining; indicate if pipe is buried or not)	CROSS-SECTION (pipe diameter, or ditch depth and top and bottom width) (inches or feet)	LENGTH (feet)	TOTAL LIFT OR FALL		CAPACITY (cfs, gpd or gpm)
				feet	+ or -	
N/A						

☐ See Attachment No. \_\_\_\_\_

d. Storage reservoirs: (For underground storage, complete and attach underground storage form)

RESERVOIR NAME OR NUMBER	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (feet)	Construction material	Length (feet)	Freeboard: dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)
9	16	Soil	371	4	6.7	47	est. 10

☐ See Attachment No. \_\_\_\_\_

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

RESERVOIR NAME OR NUMBER	OUTLET PIPE				
	Diameter in inches	Length in feet	Fall: Vertical distance between entrance and exit of outlet pipe in feet	Head: Vertical distance from spillway to entrance of outlet pipe in feet	Dead Storage: Storage below entrance of outlet pipe in acre-feet
None					

☐ See Attachment No. \_\_\_\_

e. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to off-stream storage will be N/A cfs. Diversion to offstream storage will be made by:

☐ Pumping ☐ Gravity

## 11. CONSERVATION AND MONITORING

a. What methods will you use to conserve water? Explain.

This pond is fed by an ephemeral tributary during the winter months. No actions are taken for water conservation; once the pond has filled it overflows.

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water? ☐ Weir ☐ Meter ☐ Periodic sampling ☒ Other (describe)

A staff gauge will be installed in the pond to calculate water storage to within 15 percent accuracy. Measurements will be taken monthly to comply with reporting requirements.

## 12. RIGHT OF ACCESS

a. Does the applicant own all the land where the water will be diverted, transported and used?

☒ YES ☐ NO

If NO, I ☐ do ☐ do not have a recorded easement or written authorization allowing me access.

b. List the names and mailing addresses of all affected landowners and state what steps are being taken to obtain access:

N/A

☐ See Attachment No. \_\_\_\_

## 13. EXISTING WATER RIGHTS AND RELATED FILINGS

a. Do you claim an existing right for the use of all or part of the water sought by this application?

☒ YES ☐ NO

If YES, please specify: ☐ Riparian ☐ Pre-1914 ☐ Registration ☐ Permit ☒ License  
☐ Percolating groundwater ☐ Adjudicated ☐ Other (specify) \_\_\_\_\_

b. For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter-quarter section). Include number of registration, permit, license, or statement of water diversion and use, if applicable.

License 9639 to appropriate 24 acre-feet from an unnamed stream, tributary to Red Bank Creek. Diversion season is October 1 - May 1. First diversion under this license was in 1970, but it was not affiliated with the current owner at that time. There are two points of diversion:

☐ See Attachment No. \_\_\_\_ (1) NW1/4 of NE1/4 of Section 15, T26N, R5W, MDB&M

(2) SE1/4 of NW1/4 of Section 15, T26N, R5W, MDB&M

- c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion.

N/A

☐ See Attachment No. \_\_\_\_

#### 14. OTHER SOURCES OF WATER

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project? ☐ Yes ☒ No If yes, please explain: \_\_\_\_\_

#### 15. MAP REQUIREMENTS

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the quarter/quarter, section, township, range, and meridian of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at <http://topomaps.usgs.gov>. A certified engineering map is required when (1) appropriating more than three cubic feet per second by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1,000 acre-feet per annum by underground storage.

See the instruction booklet for more information.

☐ See Attachment No. Figure 3

### ENVIRONMENTAL INFORMATION

Note: Before a water right permit may be issued for your project, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the State Water Board is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

#### 16. COUNTY PERMITS

- a. Contact your county planning or public works department and provide the following information:

Person contacted: Scott Timboe Date of contact: 05/01/2017  
 Department: Tehama County Planning Department Telephone: ( 530 ) 527-2200  
 County Zoning Designation: \_\_\_\_\_

Are any county permits required for your project? ☐ YES ☒ NO If YES, check appropriate box below:

☐ Grading permit ☐ Use permit ☐ Watercourse ☐ Obstruction permit ☐ Change of zoning  
☐ General plan change ☐ Other (explain): \_\_\_\_\_

This pond was constructed in approximately 1998. No construction or alteration is being proposed at this time. Tehama County does not require permits for the existing pond.

- b. Have you obtained any of the required permits described above? ☐ YES ☐ NO

If YES, provide a complete copy of each permit obtained.

☐ See Attachment No. \_\_\_\_

**17. STATE/FEDERAL PERMITS AND REQUIREMENTS**

- a. Check any additional state or federal permits required for your project:

☐ Federal Energy Regulatory Commission ☐ U.S. Forest Service ☐ U.S. Bureau of Land Management ☐ U.S. Corps of Engineers ☐ U.S. Natural Res. Conservation Service ☐ Calif. Dept. of Fish and Game ☐ State Lands Commission ☐ Calif. Dept. of Water Resources (Div. of Safety of Dams) ☐ Calif. Coastal Commission ☐ State Reclamation Board ☐ Other (specify) \_\_\_\_\_

No state or federal permits required for the existing pond.

- b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

☐ See Attachment No. \_\_\_\_\_

- c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake?
- ☐
- YES
- ☒
- NO

If YES, explain:

This pond was constructed in approximately 1998. No construction or alteration has been completed since the time of construction and no such activity is planned for the future.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ See Attachment No. \_\_\_\_\_

- b. Have you contacted the California Department of Fish and Game concerning your project?

☐ YES ☒ NO If YES, name, telephone number and date of contact:

The pond is already existing and no alteration is being proposed.

**18. ENVIRONMENTAL DOCUMENT**

- a. Has any California public agency prepared an environmental document for your project?

☐ YES ☒ NO

- b. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: \_\_\_\_\_

- c. If NO, check the appropriate box and explain below, if necessary:

☐ The applicant is a California public agency and will be preparing the environmental document.\*

☒ I expect that the State Water Board will be preparing the environmental document.\*\*

☐ I expect that a California public agency other than the State Water Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_

☐ See Attachment No. \_\_\_\_\_

\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights and proof of payment of the State Clearinghouse filing fee. Processing of your application cannot be completed until these documents are submitted.

\*\* Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the State Water Board, Division of Water Rights.



**19. WASTE/WASTEWATER**

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation? ☐ YES ☒ NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

This is an existing pond, constructed in approximately 1998. No construction or alteration is planned, and no waste is generated.

☐ See Attachment No. \_\_\_\_

- b. Will a waste discharge permit be required for your project? ☐ YES ☒ NO

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_

- c. What method of treatment and disposal will be used? \_\_\_\_\_

☐ See Attachment No. \_\_\_\_

**20. ARCHEOLOGY**

- a. Have any archeological reports been prepared on this project? ☐ YES ☒ NO
- b. Will you be preparing an archeological report to satisfy another public agency? ☐ YES ☒ NO
- c. Do you know of any archeological or historic sites located within the general project area?  
☐ YES ☒ NO If YES, explain:

☐ See Attachment No. \_\_\_\_

**21. ENVIRONMENTAL SETTING**

Attach **two complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- ☒ Along the stream channel immediately downstream from the proposed point(s) of diversion.
- ☒ Along the stream channel immediately upstream from the proposed point(s) of diversion.
- ☒ At the place(s) where the water is to be used.

☐ See Attachment No. \_\_\_\_

**SUBMITTAL FEES**

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website ([www.waterrights.ca.gov](http://www.waterrights.ca.gov)).

A check for the application filing fee, payable to the "Division of Water Rights" and an \$850 check for the Streamflow Protection Standards review fee [Pub. Resources Code § 10005(a)], payable to the "California Department of Fish and Game," must accompany this application. All applicable fees are required at the time of filing. If the application fees are not received, your application will not be accepted and will be returned to you. Please check the fee schedule for any fee changes prior to submitting the application.

## DECLARATION AND SIGNATURE

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application.

Signature of Applicant

Owner

Title or Relationship

6/9/17

Date

Signature of Co-Applicant (if any)

Title or Relationship

Date

**Applications that are not completely filled out and/or do not have the appropriate fees will not be accepted. In the event that the Division has to return the application because it is incomplete, a portion of the application submittal fee will be charged for the initial review.**

### "APPLICATION TO APPROPRIATE WATER" CHECKLIST

Before you submit your application, be sure to:

- ☒ Answer each question completely.
- ☒ Number, label and include all necessary attachments.
- ☒ Include a legible map that meets the requirements discussed in the instruction booklet. See Figure 3
- ☒ Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation. See Attachment B
- ☒ Include two complete sets of color photographs of the project site.  
See Attachment A
- ☒ Enclose a check for the required fee, payable to the Division of Water Rights.  
See Attachment C
- ☒ Enclose an \$850 check for the Streamflow Protection Standards review fee, payable to the Department of Fish and Game. See Attachment C
- ☒ Sign and date the application.

Send the original and one copy of the entire application to:

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000